

01/03/2002 01:34 5407520623  
 12/10/2009 19:11 FAX 2022024201

HODGE  
 KENYON\*KENYON

101/104

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Koji SATO, et al.  
 Application No. : 08/750,641  
 Filing Date : 16 December 1996  
 Title : SCHEDULE SETTING AND PROCESSING SYSTEM  
 Art Unit : Office of Petitions  
 Examiner : L. Walsh

Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**DECLARATION OF  
 INGRID HODGE**

I, the undersigned, Ingrid Hodge, make this declaration in support of the Renewed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR § 1.137(b) for the above identified application.

1. From about August 31, 1999, I have been an employee at Kenyon & Kenyon LLP ("Kenyon") in Kenyon's Washington, DC office.
2. At Kenyon, I am a secretary who assists several attorneys in various intellectual property matters. I frequently assist Daniel Shanley, an associate at Kenyon, with various patent prosecution matters, including patent prosecutions for Toyota Jidosha Kabushiki Kaisha ("Toyota"), the assignee of U.S. Patent Application Serial No. 08/750,641 ("641").
3. As of July 10, 2008, to my knowledge and belief, I had had no prior involvement with '641.
4. On July 10, 2008, I was asked by Daniel Shanley to inquire as to the status of '641.
5. On July 10, 2008, I first learned of the abandoned status of '641 from the USPTO. I was told by Ms. Barr of the Office of Petitions that '641 had abandoned. According to my notes,

01/03/2002 01:34 5407520623  
12/10/2008 18:11 FAX 2022024201HODGE  
KENYON\*KENYON

JUL 10 2008

Ms. Barr suggested that a "Petition to withdrawing of the holding of Abandonment" be filed along with "docket records, etc." My notes are attached as Exhibit 1 to this declaration.

6. I then consulted Daniel Shanley and Judith Rusko regarding '641. I was instructed to obtain a partial file wrapper of '641 from the USPTO, starting with the final office action mailed November 23, 1999, so as to confirm that '641 had in fact abandoned. On July 10, 2008, I sent an e-mail to Ondrea Iugo requesting this partial file wrapper. This e-mail is attached as Exhibit 2 to this declaration.

7. Prior to July 10, 2008, I do not recall the Office or anyone at Kenyon advising me that '641 had been abandoned.

8. To my knowledge and belief, the entire delay in filing the required reply for '641 from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

I declare that all of the above statements made based on my own knowledge are true and that all of the above statements that were made on information and belief are believed to be true, and further declare that these statements are made with the knowledge that knowing, willful and materially false statements, as are defined under Section 1001 of Title 18 of the United States Code, are punishable by fine, imprisonment, or both under Section 1001, and that such statements may affect the validity of the any patent issuing from '641 if the application is revived.

Dated: December 10, 2008

Ingrid Hodge  
Ingrid Hodge

01/03/2002 01:34 5407520523  
12/10/2008 18:12 FAX 2022024201

HODGE  
KENYON\*KENYON

004/004

## EXHIBIT 2 TO HODGE DECLARATION

Page 1 of 1

Hodge, Ingrid

---

From: Hodge, Ingrid  
Sent: Thursday, July 10, 2008 2:43 PM  
To: Laura Orsini  
Subject: 77702/23 File Wrapper Request

Orsini,

We need a copy of the file wrapper starting with the first Office Action mailed November 23, 1999 for the following file:

U.S. Patent Serial No. 08/770,541 filed December 10, 1999

We do not need anything prior to the first Office Action mailed November 23, 1999.

Please let me know if you need anything else and how soon we can expect the copies.

Thanks,  
Ingrid

01/03/2002 01:34 5407520623  
12/10/2008 18:12 FAX 2022024201

HODGE  
KENYON\*KENYON

PAGE 04  
JAN 01 2009

# EXHIBIT 1 TO HODGE DECLARATION

moved to K Street  
from 1799

08/750, 64

|          |   |
|----------|---|
| 01/23/99 | For   |
| 02/24/00 | Adversary Action  |
| 03/16/00 | CPA + 103   |
| 05/13/00 | "Notice of Abandonment" Case was abandoned for failure to pay     |
| 10/30/00 | Change of Correspondence Address <u>7</u> <u>Wm. T.</u>           |
| 1/06/00  | Assoc. Power of Attorney  |
| 03/22/01 | File Reconstruction - case was lost at PTO                        |
| 04/08/03 | Status Inquiry  |
| 11/18/03 | 103   |
| 04/15/04 | Status Inquiry  |
| 07/10/08 | Office of Patents (Mr. Barr) Tel. 571-272-3282                    |
| ⇒        | File Petition for Reopening of Abandoned<br>→ docket search, etc. |